REMARKS:

I. Introduction

In the Office Action mailed on May 4, 2007, the Examiner rejected claims 1 to 17 and allowed claims 18 to 20. The present amendment cancels no claims, amends claims 1 and 10, and adds no new claims. Accordingly, claims 1 to 20 remain pending in this application.

II. Claim Rejections Based on 35 U.S.C. § 103(a)

(a) The Examiner rejected claims 1 to 9 under 35 U.S.C. § 103(a) as being unpatentable over Reasoner et al. (US 6,230,579) in view of Osborne (US 5,277,077).

Reasoner et al. discloses a shifter having a primary detent assembly for locking the lever (42) in a gear position to prevent movement even if the operator applies a force to the lever (42) (that is, to prevent unintentional shifts) and a secondary detent assembly (72) for providing a feedback or feel of the various gear positions to the operator when the primary detent assembly is released and the operator is moving the lever (42). The primary detent assembly includes a pawl (54) in the form of a pin that engages a gate profile (44) to lock the position of the lever (42). The pawl (54) does not include a roller or wheel of any kind. A push button actuator is provided to move the pawl (54) from its locking position within the gate profile (44) to an unlocking position so that the operator can move the lever (42) to another gear position. The secondary detent assembly (72) includes a spring biased pin (74) that slides along a slider having depressions (76) and remains in constant contact with the slider as the lever (42) is moved by the operator so that the operator is provided with a feel or feedback of where the various gear positions are and that the lever (42) is traveling through those positions. The secondary detent assembly (70) does not lock or prevent movement of the lever (42) when a force is applied to the lever (42) by the operator. The secondary detent assembly (70) cannot lock or prevent movement of the lever (42) when a force is applied to the lever (42) by the operator or it would not perform its intended function. In fact, if the secondary detent assembly (70) locked or prevented movement of the lever (70) when a force is applied to the lever (42) by the operator, the lever (42) would never be able to move because the secondary detent assembly (70) does not have a release mechanism.

Osborne discloses a vehicle shifter having a primary detent assembly (52) for locking the lever (51) in a gear position to prevent movement even if the operator applies a force to the lever (51) and a secondary detent assembly (40) for providing a feedback or feel of the various gear positions to the operator when the primary detent assembly (52) is released and the operator is moving the lever (51). The primary detent assembly includes a pawl (52) in the form of a pin that engages a gate profile to lock the position of the lever (51). The pawl (52) does not include a roller or wheel of any kind. A push button actuator (53) is provided to move the pawl (53) from its locking position within the gate profile to an unlocking position so that the operator can move the lever (51) to another gear position. The secondary detent assembly (40) includes a roller (43) that moves along a detent profile (41) and remains in constant contact with the detent profile (41) as the lever (51) is moved by the operator so that the operator is provided with a feel or feedback of where the various gear positions are and that the lever is traveling through those positions. The secondary detent assembly (40) does not lock or prevent movement of the lever (51) when a force is applied to the lever (51) by the operator. The secondary detent assembly (40) cannot lock or prevent movement of the lever (51) when a force is applied to the lever (51) by the operator or it would not perform its intended function. In fact, if the secondary detent assembly (40) locked or prevented movement of the lever (51) when a force is applied to the lever (51) by the operator, the lever (51) would never be able to move because the secondary detent assembly (40) does not have a release mechanism. The push button actuator (53) only operates to release the primary lock mechanism.

The Examiner states that it would be obvious to modify the pawl or spring biased pin (74) of Reasoner et al. to include a roller as taught by Osborne. Modified in this manner, the secondary detent assembly of Reasoner et al. would have a roller. Even assuming that such a modification was obvious to one skilled in the art at the time of the invention, the modified device does not disclose or reasonably suggest the present invention as defined by claim 1. The present invention provides a primary detent assembly that locks the shift lever in position with a pawl in the form of a roller. Neither Osborn nor any other prior art of record discloses or reasonably suggests a locking pawl in the form of a roller. As discussed above, Osborne teaches a "feel" detent in the form of a roller that never prevents movement of the lever.

Independent claim 1, and claims dependent therefrom, are allowable because they each include the limitations of "wherein the pawl includes a roller that engages the detent profile when the pawl is in the locking position to lock the shifter lever in one of the plurality of gear positions against movement along the shift path when an operator applies a force to the shift lever to move the shift lever along the shift path." No prior art of record reasonably discloses or suggests the present invention as defined by claim 1. Reconsideration and withdrawal of the rejection is requested.

(b) The Examiner rejected claims 10 to 15 under 35 U.S.C. § 103(a) as being unpatentable over Reasoner (US 6,230,579) in view of Kataumi (US 5,445,046).

Kataumi discloses a shifter having a primary detent assembly for locking the lever (22) in a gear position to prevent movement even if the operator applies a force to the lever (22) (not illustrated but described at C3/L20-36) and a secondary detent assembly (28) for providing a feedback or feel of the various gear positions to the operator when the primary detent assembly is released and the operator is moving the lever (22). The primary detent assembly includes a pawl in the form of a pin that engages a gate profile to lock the position of the lever (22). The pawl moves in an axial path along the central axis of the lever (22). The secondary detent assembly (28) moves along a detent profile (12) and remains in constant contact with the detent profile (12) as the lever (22) is moved by the operator so that the operator is provided with a feel or feedback of where the various gear positions are and that the lever is traveling through those positions. A spring (24) resiliently pivots the pawl (30) into engagement with the detent profile (12). The secondary detent assembly does not lock or prevent movement of the lever (22) when a force is applied to the lever (22) by the operator. It is the primary detent assembly that locks the shift lever (22). The secondary detent assembly cannot lock or prevent movement of the lever (22) when a force is applied to the lever (22) by the operator or it would not perform its intended function. In fact, if the secondary detent assembly locked or prevented movement of the lever (22) when a force is applied to the lever (22) by the operator, the lever (22) would never be able to move because the secondary detent assembly does not have an actuator release mechanism. The pawl (30) remains in contact with the detent profile (12) at all times due to the spring (24) so that the pawl (30) provides the desired feel as the lever (22) moves.

The Examiner states that it would be obvious to modify the pawl or spring biased pin (74) of Reasoner et al. to include a pawl (30) that moves over an arcuate path as taught by Kataumi et al. Modified in this manner, the secondary detent assembly of Reasoner et al. would have a pivoting pawl. Even assuming that such a modification was obvious to one skilled in the art at the time of the invention, the modified device does not disclose or reasonably suggest the present invention as defined by claim 10. The present invention provides a primary detent assembly that locks the shift lever in position with a pawl that moves over an arcuate path. Neither Reasoner et al. nor Kataumi et al. disclose or reasonably suggest having a pawl of a locking or primary detent assembly that moves over an arcuate path. As discussed above, Kataumi et al. teaches a "feel" detent with a pivoting pawl that never prevents movement of the lever.

Independent claim 10, and claims dependent therefrom, are allowable because they each include the limitations of "a pawl movable between a locking position wherein the pawl engages the detent profile to lock the shifter lever in one of the plurality of gear positions against movement along the shift path when an operator applies a force to the shift lever and an unlocking position wherein the shifter lever is movable along the shift path between the plurality of gear positions when an operator applies a force to the shift lever to move the shift lever along the shift path." No prior art of record reasonably discloses or suggests the present invention as defined by claim 10. Reconsideration and withdrawal of the rejection is requested.

(c) The Examiner rejected claims 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Reasoner (US 6,230,579) in view of Kataumi (US 5,445,046) and further in view of Osborne (US 5,277,077).

Dependent claims 16 and 17 are allowable as depending from allowable independent claim 10 as discussed above and for novel and non-obvious matter contained therein. Reconsideration and withdrawal of the rejection is requested.

III. Allowed Subject Matter

Applicant acknowledges that claims 18 to 20 were allowed.

VI. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 50-3915.

Respectfully submitted,

Richard M. Mescher
Reg. No. 38,242

PORTER, WRIGHT, MORRIS & ARTHUR LLP
41 South High Street
Columbus, Ohio 43215
(614) 227-2026
Fax: (614) 227-2100

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